

Advance Assignment

Civil Procedure, Fall 2009
Sec. 3

Prof. Hyatt

PLEASE REGISTER FOR THIS COURSE ON TWEN.

Please note: All page assignments are to the Yeazell casebook. You are also responsible for finding and reading the rules and statutes in the supplement as they are referred to in your texts.

I. INTRODUCTION: A SURVEY OF THE FIELD

	<u>Day</u>	<u>Assignment</u>
Monday	Aug. 17	pp. 1-24; read U.S. Const. Art. III; 28 U.S.C. §§ 41, 133, 1331-1333, found in your supplement. Brief all the cases in this section; class discussion will focus on Hawkins v. Masters
Wednesday	Aug. 19	pp. 24-54; skim Rules 7-63 – focus on briefing: identify the issues & rules implicated in the assigned cases.
Thursday	Aug. 20	pp. 55-74; Rule 12; Const. Art. IV, §1; amend. XIV.

How to brief a case?

Professors will have varying answers. For Civil Procedure, try this formula:

1. **Situate the case** – Who is suing whom? For what? In what court?
2. **Procedural posture** – How is the question presented? What happened in the case to require a written opinion? [e.g., is this an appeal after a verdict? a ruling by a trial judge on a motion made by a party? an appeal from such a ruling? If so, what kind of motion?
3. **Issue** – What is the question presented to the judge/court?
4. **Rule** – What rules, statutes or principles govern the resolution of the case?
5. **Holding** – what does the judge/court decide?
6. **Analysis** – how does the judge/court apply the governing rules/statutes/principles; what are the facts pertinent to and the reasons for its conclusion?